

Assembly Bill No. 352--Assemblymen Mortenson, Segerblom;
Bobzien, Claborn, Horne, Kihuen, Kirkpatrick, Manendo,
Munford, Ohrenschall, Parnell, Pierce, Smith and Spiegel

CHAPTER.....

AN ACT relating to the Spring Mountains National Recreation Area; limiting certain powers of planning and zoning that may be exercised by local governments within the Area; limiting gaming in the Area to holders of restricted licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Spring Mountains National Recreation Area includes Mt. Charleston and other land, both public and private, outside of Las Vegas. **Sections 1-8** of this bill prohibit local governments from making certain changes relating to zoning and development in the Spring Mountains National Recreation Area. A similar prohibition is provided for the Red Rock Canyon National Conservation Area and adjacent lands. (Chapter 105, Statutes of Nevada 2003, p. 595) **Section 9** of this bill prohibits the Nevada Gaming Commission from issuing a nonrestricted license for any location in the Spring Mountains National Recreation Area, thereby limiting gaming in the Area only to current and future operations that hold restricted gaming licenses. (NRS 463.160, 463.161, 463.180, 463.190, 463.240)

WHEREAS, The Spring Mountains and their surrounds are a natural wonder within the State of Nevada that is uniquely beautiful and of scenic interest; and

WHEREAS, The Spring Mountains National Recreation Area includes several distinctive and significant geologic and natural heritage features, including, without limitation, Mount Charleston, Kyle Canyon, Griffith Peak, Harris Springs, Harris Mountain, the Deer Creek mountain pass, Angel Peak, Macks Canyon, Lee Canyon, Mummy Mountain, McFarland Peak, Bonanza Peak, Cold Creek, Wheeler Well, Charcoal Kilns, Mount Stirling Wilderness Study Area, Wallace Canyon, Carpenter Canyon, Trout Canyon, Lovell Canyon, Mountain Springs and Native American archeological sites, including petroglyphs and agave roasting pits; and

WHEREAS, In addition to their scenic beauty and geologic significance, the Spring Mountains provide numerous recreational opportunities to visitors from both within and without the State of Nevada, including, without limitation, hiking, climbing, bicycling, camping, horseback riding and winter sports such as snowshoeing and alpine and cross-country skiing; and

WHEREAS, With regard to tourism, the Spring Mountains provide a dramatic counterpoint to the activities offered within the



more urban portions of Clark County, helping to draw to the area tourists who might not otherwise be interested in participating in gaming, attending shows or other such activities; and

WHEREAS, A significant part of the reason that the Spring Mountains are of interest to tourists, sightseers and recreational users is that they provide an area of sanctuary from the congestion and sprawl of the more urban portions of Clark County; and

WHEREAS, If the scenic views, natural beauty and rural character of the Spring Mountains were to be encroached upon by development that is on a large scale or of an inappropriate character, the value of the Spring Mountains National Recreation Area, with respect to tourism, sightseeing and recreation would be greatly diminished, to the detriment of Clark County and the State of Nevada as a whole; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.0239 is hereby amended to read as follows:

278.0239 In the region of this State for which *the Spring Mountains National Recreation Area Act and* the Red Rock Canyon Conservation Area and Adjacent Lands Act ~~establishes~~ *establish* limits upon development, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those limits.

Sec. 2. NRS 244.154 is hereby amended to read as follows:

244.154 In the region of this State for which *the Spring Mountains National Recreation Area Act and* the Red Rock Canyon Conservation Area and Adjacent Lands Act ~~establishes~~ *establish* limits upon development, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those limits.

Sec. 3. NRS 268.105 is hereby amended to read as follows:

268.105 In the region of this State for which *the Spring Mountains National Recreation Area Act and* the Red Rock Canyon Conservation Area and Adjacent Lands Act ~~establishes~~ *establish* limits upon development, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those limits.

Sec. 4. NRS 269.617 is hereby amended to read as follows:

269.617 In the region of this State for which *the Spring Mountains National Recreation Area Act and* the Red Rock Canyon Conservation Area and Adjacent Lands Act ~~establishes~~



establish limits upon development, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those limits.

Sec. 5. Sections 5 to 9, inclusive, of this act shall be known as the Spring Mountains National Recreation Area Act.

Sec. 6. The Legislature hereby finds and declares that this special act, which regulates activity in the Spring Mountains National Recreation Area, is necessary because of:

1. The unusual beauty of the Spring Mountains National Recreation Area;

2. The rapidly increasing population and growth in the region around the Spring Mountains National Recreation Area; and

3. The need to harmonize:

(a) The retention of the scenic beauty, small-town values, historic and cultural character, sense of community and recreational opportunities for visitors and residents of the Spring Mountains National Recreation Area; and

(b) Residential and commercial development within the Spring Mountains National Recreation Area.

Sec. 7. As used in this act, "Spring Mountains National Recreation Area" means the following tracts of land:

1. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 17 South, Range 53 East, MDM;

2. The west half of section 3, all of sections 4, 5, 6, 7, 8 and 9, the west half of section 10 and all of sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 17 South, Range 54 East, MDM;

3. All of sections 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 17 South, Range 55 East, MDM;

4. All of section 31, Township 17 South, Range 56 East, MDM;

5. All of section 1, Township 18 South, Range 53 East, MDM;

6. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 18 South, Range 54 East, MDM;

7. All of Township 18 South, Range 55 East, MDM;

8. All of Township 18 South, Range 56 East, MDM;

9. All of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, Township 18 South, Range 57 East, MDM;

10. All of sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14 and 15, Township 19 South, Range 54 East, MDM;



11. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, the east half of section 20 and all of sections 21, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 19 South, Range 55 East, MDM;

12. All of Township 19 South, Range 56 East, MDM;

13. All of Township 19 South, Range 57 East, MDM;

14. All of sections 6, 7, 18, 19, 30 and 31, Township 19 South, Range 58 East, MDM;

15. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 24 and 25, Township 20 South, Range 55 East, MDM;

16. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36, Township 20 South, Range 56 East, MDM;

17. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, Township 20 South, Range 57 East, MDM;

18. All of sections 6 and 7, Township 20 South, Range 58 East, MDM;

19. All of sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 21 South, Range 56 East, MDM;

20. All of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, Township 21 South, Range 57 East, MDM;

21. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 35 and 36, Township 22 South, Range 57 East, MDM;

22. All of section 19, all of section 20 except the northeast quarter and all of sections 29 and 30, Township 22 South, Range 58 East, MDM;

23. All of sections 1, 2, 11, 12, 13, 14, 24 and 25, Township 23 South, Range 57 East, MDM; and

24. All of sections 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 30, Township 23 South, Range 58 East, MDM.

Sec. 8. With respect to the Spring Mountains National Recreation Area, a local government:

1. Shall not, in regulating the use of those lands:

(a) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act;

(b) Establish any new nonresidential zoning districts, other than for public facilities; or

(c) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities.



2. May regulate matters to include, without limitation, landscaping, buffering, screening, signage and lighting.

3. Retains all other authority regarding planning, zoning and regulation of uses of land.

Sec. 9. 1. Notwithstanding any other provision of law, the Nevada Gaming Commission shall not issue a nonrestricted license for any location in the Spring Mountains National Recreation Area.

2. As used in this section, “nonrestricted license” has the meaning ascribed to it in NRS 463.0177.

Sec. 10. This act becomes effective on July 1, 2009.

